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Crl.O.P.(MD)No.13812 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:13/12/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.13812 of 2022

and

Crl.MP(MD)No.12830 of 2023

A.Anandharaj : Petitioner
Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Thattarmandam Police Station,
Thoothukudi district.
(In Crime No.180 of 2022)

3.Pandian @ Shanmugasundarapandian
4.Vinoth : Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to pass an order transferring the investigation in the above case in Crime No.180 of 2022 from the file of the Inspector of Police, Thattarmandam Police Station to any independent Officer not below the rank of Assistant Superintendent of Police or the Deputy Superintendent of Police within the State of Tamil Nadu and pass any other orders.



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For Petitioner : Mr.B.N.Raja Mohamed

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

O R D E R

This criminal original petition has been filed seeking for direction to transfer the investigation of the case in Crime No.180 of 2022 from the file of the Inspector of Police, Thattarmandam Police Station to any independent Officer not below the rank of Assistant Superintendent of Police or the Deputy Superintendent of Police within the State of Tamil Nadu.

2.The facts in brief:-

The de-facto complainant, who is the petitioner herein lodged a complaint stating that his son Vishal was studying 11th Standard at the time of his death in Sri Ramakrishna Higher Secondary School, situated at Thisayanvilai, Tirunelveli District. He died 15/05/2022 at 3.10 am, after consuming a pesticide (Kalai kolli), on 28/04/2022. Postmortem was conducted at Tirunelveli Medical College Hospital, Tirunelveli, on 15/05/2022. The reason for his death is the attitude of the 3rd respondent, who said to have reprimanded the deceased boy and the 4th respondent, who intimidated the deceased with dire consequences as if he have continuous relationship



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with one Muthu Akila, a fellow student in the class of the deceased boy. After FIR in Crime No.290 of 2022, the 2nd respondent police has abandoned the investigation and never took any effort to nab the suspects, especially the respondents 3 and 4. Because of the lethargic status of the investigation, the petitioner made a representation through a registered post to the 1st respondent, on 21/05/2022 and to the educational authorities under whose supervision the 3rd respondent is employed as a Teacher, who has to be penalized for any of the dereliction of their duties. In-spite of the receipt of the same, on 28/05/2022, the 1st respondent neglected to consider the same.

3. Being aggrieved with the inaction of the respondents 1 and 2, this petition has been filed by the petitioner seeking transfer of the investigation as stated supra.

4. Heard both sides.

5. The deceased Vishal was studying 11th Standard in Sri Ramakrishna Higher Secondary School, Thisaiyanvilai. Even as per the complaint given by the petitioner, he was not good in education. He scolded him for having



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friendship with undesirable students. On 28/04/2022 at about 07.00 pm, his son consumed poison. No suspicion was raised at the time of giving the complaint. Now it has been stated by the petitioner that 3rd and 4th respondents were the reason for the death of his son.

6.It has been stated in the petition that the 3rd respondent alleged to have reprimanded the deceased. The 4th respondent has also told the relationship of the petitioner's son with one Muthu Akila, a fellow student in the class. After coming to know about the involvement of the respondents 3 and 4, he sent a representation.

7.CD file is called for and perused. Suicide is confirmed due to poison, in view of the postmortem report. There is no doubt with regard to the cause of death.

8.The reason for the suicide, is now under consideration. This petitioner and her wife during the course of investigation have also stated that the deceased Vishal was not good in his studies. He had some undesirable friends, which was reprimanded by the teachers. It was known to them. He was scolding the deceased over the friendship. Some of the witnesses also



supporting the above said fact. Later this petitioner alleged to have changed his version and sent representation, on 21/05/2022. Wherein he has stated that the 3rd respondent on 28/04/2022 scolded and threatened the deceased. Similarly, one Vinoth also threatened the deceased stating that he should not talk with Muthu Akila, who is his fellow classmate; Because of the torture made by the respondent2 and 4 herein, he committed suicide on 28/04/2022.

9.The details of the events that took place in the school is also spoken by the Headmaster Murugesan. He has stated that the deceased was not good at his studies. On enquiry by the Class Teacher, he alleged to have told her that she was in love with Muthu Akila. But she is not willing to continue the love affair. So the Class Teacher advised the Vishal to concentrate on the studies, leaving the love affair. Muthu Akila also told the Class Teacher that unnecessarily the friends of the Vishal are making trouble to her. The issue was also informed to the parents of the deceased. The parents of the Muthu Akila also came to the school and made enquiry. The School Administration assured the parents that they will take care. Over the issue, Muthu Akila did not attend the class for two days. So the Class Teacher obtained a



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letter from Vishal that he will not make any trouble to Muthu Akila. So this statement of the Headmistress shows that because of the conduct of the deceased, the issue arose.

10.Here, absolutely there is no abetment of suicide or intimidation of any one to commit suicide. So the contention of the petitioner that the Class Yeacher and some other persons are involved in the suicide is completely not correct on record.

11.Since final report is filed before the concerned court, if the petitioner is still aggrieved, he can work out his remedy through appropriate proceedings. There can be no order for further investigation at the hands of this court.

12.In the result, this criminal original petition stands **dismissed** of course with the above said liberty. Consequently connected Miscellaneous Petition is closed.

Index:Yes/No
Internet:Yes/No
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13/12/2023



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To,

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
Thattarmandam Police Station,
Thoothukudi district.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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